

Education and Home Affairs Policing of Events - User Pays Review

Monday, 12th November 2007

Panel:

Deputy D.W. Mezbourian of St. Lawrence (Chairman)

Deputy J. Gallichan of St. Mary

Witnesses:

Deputy C.F. Labey of Grouville (Assistant Minister for Education, Sport and Culture)

Mr. D. Greenwood (Assistant Director of Education, Sport and Culture)

(Please note: All witnesses and Panel Members were given the opportunity to comment upon the accuracy of the transcript. Whilst the transcript remains a verbatim account of proceedings, suggested points of clarification may have been included as footnotes to the main text.)

Deputy D.W. Mezbourian of St. Lawrence (Chairman):

I would like to welcome you both to this hearing of the Education and Home Affairs Scrutiny Panel and we are reviewing the policing of events user pays proposition of the Minister for Home Affairs. As you are both aware you are covered by privilege during this hearing and the information is on the desk in front of you. The hearing is being recorded and it will be transcribed and it will become a public document being uploaded to the Scrutiny website. In a few days' time you should have a copy sent to you for your comments on the accuracy of the transcription. For the purposes of the recording and transcription we should introduce ourselves so I will begin by saying that I am Deputy Mezbourian, Chairman of the Scrutiny Panel and on my right is ...

Deputy J. Gallichan of St. Mary:

Juliette Gallichan, Deputy of St. Mary and Vice Chairman of the panel.

Deputy D.W. Mezbourian:

If you could introduce yourselves, please.

Deputy C.F. Labey of Grouville (Assistant Director of Education, Sport and Culture):

Carolyn Labey, Deputy of Grouville and Assistant Minister for Education, Sport and Culture.

Mr. D. Greenwood (Assistant Director of Education, Sport and Culture):

I am David Greenwood, Assistant Director of Education, Sport and Culture.

Deputy D.W. Mezbourian:

If I could ask you to address us as clearly as possible please and if you could lean towards the microphone for the purposes of being recorded. On my right is our officer William Millow and I hope, Assistant Minister, that you will be happy to give us your views on this proposition, in effect the P.94 which was lodged last year by Home Affairs. We do have some pre-prepared questions and we will address those to you at the end of your presentation.

The Deputy of Grouville:

Okay. So what is the format? Do I make a presentation?

Deputy D.W. Mezbourian:

Well, you give us your views. You have already made a written submission to us and you may want to refer to that and give us some further details, perhaps.

The Deputy of Grouville:

As I said in my written submission I am not against the user pays principle per se, however I do feel that it is fraught with issues that need to be addressed and need to be carefully thought out. This particular proposition that is being brought forward by Home Affairs seems to be targeting new events and if I am to be perfectly honest the way it is written it seems to be targeting Jersey Live in particular. New events to my mind again brings up ... poses more questions than it answers. What constitutes a new event? How long does an event have to be running before it is an old event? If events change slightly like football matches, as I said in my submission, Manchester United played Jersey in the 1970s, so that is not a new event, presumably, but if another team came over that is a new event. Again, events and this policing of events is all very

well when it is contained at the event, but as we know, as we have seen over the past few years there are policing issues that are required when, for example, the pubs shut on a World Cup day and thousands of people spill out on to the street, as they do really on a Friday and Saturday evening, the policing takes place not wherever people have been but on the streets of St. Helier, usually. Again, just because there is an event taking place, it seems that that event is going to be targeted come what may, because it is able to be targeted, but on a Friday and Saturday evening no one particular place can be targeted. I guess basically anyone that has served alcohol throughout the evening is culpable. The concept of user pays I believe if it is introduced should it be kept to Home Affairs and who is going to scrutinise the user pays? I know the Jersey Competition regulators are very hot on the issue of cross-subsidy. Now will an event ... if a particular Ministry's department is a bit short in their budget, can they sort of bring in a user pays policy for an event that will cross-subsidise a lack of funds in other areas? So this issue I think has to be looked at. On Education for example, we could look to charging for example unusual events, unusual happenings, not the sort of norm. An example of this would be when the Battle of Flowers, the fairground is brought over, it happens to be in the summer holidays so we do not have to educate all the gypsies' children, however a couple of years ago a fairground was brought over at Christmas. There was an issue whereby we have an obligation to educate the children that are brought with the fairground organisers. So should Education then turn around and say: "Well, we are going to apply the user pays policy here"? Again the example I used when the skating rink is set up at Christmas, the hospital has a huge amount more fractures to deal with. Should they then be charging the organisers of the skating rink for a user pays policy? It will, I believe, open a can of worms. I believe what has to happen here is if it is imposed for a commercial event such as Jersey Live then it has to be open and transparent. The organisers bring over trained security officers from the U.K. but they do not know if these security people are taken into account when the Police Chief organises the policing. Now I am not going to sit here and say that the Police Chief needs X, Y, Z in police officers and does not need that and does not need so many brought over from the U.K. I am not even going to attempt to try and suggest how he does his job. Obviously he is the man that has to make the decisions, it will be his neck on the block if anything goes wrong, so he is the one who has to put forward how the policing of events will take place, undoubtedly. However I do believe that

there is room in this particular case to sit down with the organisers and look at their risk assessment, the Police Chief's risk assessment and maybe rather than being very covert about it I think it has to be very, very open, transparent and if this is going to be over the top of ordinary policing costs then possibly a nominal sum could be paid rather than all the police officers that are brought over from the U.K., their hotel bills, all the rest of it. There has to be some form of not necessarily negotiation but there has to be a form of appeal. Otherwise it is going to be put in the Police Chief's hands. He will determine that is the figure he will want for bringing over all the extra policing and that could determine whether an event takes place or not. I am not so sure that is the best situation that this Island wants to find itself in, because I do see it as a possible deterrent for events that could otherwise take place.

Deputy D.W. Mezbourian:

Thank you. Would you like us to go on to the questions or do you have more to say?

The Deputy of Grouville:

There was just one other issue that I would like to mention. It could be seen to be divisive with other organisations such as the Honorary Police that are giving their time up for the full 2 days for nothing.

Deputy D.W. Mezbourian:

Thank you, Deputy. Obviously you are here as the Assistant Minister with responsibility for culture. I think what we would like to address first of all are the current arrangements by which your department is involved in the organisation of events. So would you be able to describe to us please how your department is involved in relation to the planning and organisation of events, presumably, particularly, those with a cultural aspect? Or maybe you would like to tell us how you define cultural events?

The Deputy of Grouville:

How do you define culture? Culture is something different to everybody. Playing dominoes in the local pub could be seen as culture to some. Grand opera is culture to others. This is a big ... this particular event that we are talking about, focusing on, because the user pays policy I believe has focused on Jersey Live, I see Jersey Live as

a huge cultural event for Jersey. It is a music event, so by dint of that it is cultural. It is aimed at our young people. This particular event is a commercial event, so we do not get involved in the organising or running of it. The events that we would be involved with ... well, we are not involved with events. We give grants to cultural providers, annual grants to cultural providers such as Jersey Heritage Trust, Jersey Arts Centre, Jersey Arts Trust and the opera house. The Jersey Heritage Trust grant is ... a proportion of that is paid to the Société. They are the cultural providers. We will facilitate, assist and encourage culture to happen in the Island and the Jersey Arts Trust gives grants to individuals to encourage the grass roots culture to develop in the Island. We are co-ordinators, if you like.

Deputy D.W. Mezbourian:

Thank you. So in effect you used the word “facilitator” and you facilitate these events through such agencies as the Jersey Heritage Trust and the Arts Trust. So you do not have a hands-on role in relation to the planning and organisation of these events or behind the scenes?

The Deputy of Grouville:

We are the grant givers and the cultural providers. The organisations have to provide us with a business plan every year and it is in broad terms and I think it would be very wrong for Government to play a hands-on role in what events take place and what does not. It has to come from the organisations, the professionals that are there to develop culture in the Island.

Deputy D.W. Mezbourian:

How would you describe the working relationship that you have with these agencies?

The Deputy of Grouville:

Very good.

Deputy D.W. Mezbourian:

Do you not want to elaborate? Very good presumably is very good.

The Deputy of Grouville:

Yes. We sit down with them, we listen to their ... we go through their accounts, we go through their business plan. Yes, our relationship with them is very good.

Deputy D.W. Mezbourian:

How would you describe events in relation to enhancing the department's cultural activities?

The Deputy of Grouville:

Sorry, can you repeat that question?

Deputy D.W. Mezbourian:

Certainly. How do you think the events that are promoted by such as the Jersey Heritage Trust and the Arts Centre, how do you think they enhance the agenda that you have for the cultural calendar?

The Deputy of Grouville:

That is all down to the partnership agreements and the business plan. We have the cultural strategy and the organisations will put forward their programme of events and hopefully they will be on the same lines as the cultural strategy. There is a Council for Culture as well whereby the cultural co-ordinator sits on that particular council to further develop and enhance the aims of the cultural strategy.

Deputy D.W. Mezbourian:

Since you have mentioned the cultural strategy, can I ask what involvement you or the department have had in developing these user pays proposals? Was there any dialogue between those?

Mr. D. Greenwood:

Our cultural co-ordinator was a member of the working group.

Deputy D.W. Mezbourian:

Who was that?

Mr. D. Greenwood:

Rod McLoughlin.

Deputy D.W. Mezbourian:

I think Deputy Gallichan wants to come in here.

The Deputy of St. Mary:

Yes, it is a very simple question. We already know that there is a liaison between yourself and the Economic Development Department as regards the cultural events planning. In the light of your specific responsibilities are you presently aware of any other cultural event which might now, or one on the horizon perhaps that is being developed, which might fall under the umbrella of this proposed user pays? You have made reference several times to you think this is specifically targeted at a particular event. Do you have any other events on the horizon?

The Deputy of Grouville:

Not that I could think of off the top of my head. I mean that would mean going through the programmes of the cultural providers and it would require a great deal of people to be drawn into an event before I suppose the police would then feel that extra support is needed. I cannot think of anything. I cannot think of anything in the pipeline that it would affect at this moment in time.

Deputy D.W. Mezbourian:

You mentioned that Rod McLoughlin had been involved in the development of the proposals?

The Deputy of Grouville:

Rod has been involved in some meetings. I do not know if he has been involved in the proposition as it was brought forward. I know he has assisted in some of the negotiations when Jersey Live ... before they were granted permission and he sat around the table with some of the event organisers, the police and tourism, so he was involved in that but I would not say he was necessarily involved in the proposition that was brought forward from Home Affairs.

Deputy D.W. Mezbourian:

We are aware that the Economic Development Minister voiced some concerns at these proposals to the Council of Ministers. Have either you or your Minister done the same?

The Deputy of Grouville:

Yes, I have been to the Council of Ministers with Rod McLoughlin and we too have voiced our concerns on similar lines to my written submission to you.

Deputy D.W. Mezbourian:

What reaction did you get?

The Deputy of Grouville:

At the time I felt that the council did not want the event not to take place because at that time the organisers were saying: "Well, we could move the event to Guernsey or elsewhere." The council I think were keen to retain the event in Jersey, quite rightly to my mind, but at that time they were not prepared to make a decision on the user pays policy. That was when the original user pays policy was brought forward. It was subsequently withdrawn and this new user pays policy tabled.

Deputy D.W. Mezbourian:

In your submission you told us that you think it was inequitable that new events should be targeted. Would you comment on that, please?

The Deputy of Grouville:

Well, I just think it is difficult. What constitutes a new event? How long has it had to be running before it is a new event? Jersey Live for example has been running for about 4 years now. So does that make them a new event?

Deputy D.W. Mezbourian:

We understand from the office of Economic Development that a traditional event would possibly be viewed as one that has been taking place for about 7 years.

The Deputy of Grouville:

That is the first time scale I have ever heard.

Deputy D.W. Mezbourian:

That is a new event. What would your comment be on the fact that the user pays principle is going to be applied purely to commercial or profit-making events as opposed to longstanding heritage, traditional events that may not be viewed as commercial?

The Deputy of Grouville:

I can see the argument to target commercial organisations that are making profit out of an event. I can see the argument for that, but the ... when you describe traditional events is it right that ... a lot of these traditional events I believe are heavily subsidised by the public anyway. So in effect they are receiving quite a lot of taxpayer's money anyway, whereas these commercial events are not necessarily, and then they are being charged again. I think there is an argument for charging people, organisers that are just doing it to make money, but the flip side to that is what it brings to the Island. An event like Jersey Live, for instance, is advertised and goes out on I think it was BBC2 although Philip would probably ... the senator who was here before, I think it was a late programme on BBC2, the advertising it gives to the Island raises the profile. There are 10,000 young people, or usually young people, who attend the event so therefore they are getting some enjoyment, some benefit out of it. Could the same be said for other traditional events? In the same context as looking at what is charged, I think we have to as well look at the cultural benefits for the Island.

Deputy D.W. Mezbourian:

Speaking of cultural benefit to the Island, can you tell me whether any local bands have benefited from Jersey Live?

The Deputy of Grouville:

Yes, I believe so. There are some local bands that play. I think they have to win the competition in Battle for the Bands or there are a couple of them that play live. So I believe so, and they obviously receive the press coverage that goes with it.

The Deputy of St. Mary:

Can I ask you a little bit about the issue of transparency which you raised in your preamble and also in your submissions? There are a few things that you said that were interesting. Firstly, you specifically said that it seems as if we were targeting these events just because they were able to be targeted and there was a danger of views on cross-subsidies et cetera. Would you see it as a danger that especially from a public point of view this could be just a way for the police to raise money for other areas which might not need funding?

The Deputy of Grouville:

Yes, and that is why I mentioned that the user pays policy will be a policy that will in turn have to be scrutinised, I believe, because it could be used to cross-subsidise.

The Deputy of St. Mary:

I just wanted to clarify that before asking you, how do you feel about effectively the same body which would set the need and set the standard for the policing level to be the one which was ultimately benefiting from that? Do you think that there is a need for an arm's length intervention there?

The Deputy of Grouville:

Yes, I think so. I think ... this is something that would have to be, if it is to be applied, would have to be ... there would have to be a certain amount of discussion that took place beforehand, a round table with possibly the police putting forward their risk assessment first, Jersey Live, their risk assessment, along with ... bear in mind they do bring over a lot of security officers. Obviously the ultimate decision about the policing and the amount of police that are required at the event has to be Graham Power. Because he is the person responsible. Nobody is denying that. But as far as the costs go I think it could benefit from having somebody unconnected with either the organisers or the police to determine who pays for what.

The Deputy of St. Mary:

A sort of expert witness type of thing within that group?

The Deputy of Grouville:

Yes, a nominal sum, if you like.

Deputy D.W. Mezbourian:

Do you think there should be an independent power to appeal? You mentioned that the ultimate decision making authority should be Graham Power. If it was felt by an organiser that the Chief of Police, be it Graham Power or otherwise was making an incorrect decision on the amount of policing that should be required, do you think there should be an independent perhaps police authority that the organiser should be able to appeal to?

The Deputy of Grouville:

I do not know. I do not know who can set themselves up and say: "We do not agree with the Police Chief", on what authority they would be doing that. The ultimate responsibility is Graham Power so it would be like somebody else telling him how to do his job and I do not think that is fair, when he would be the one held responsible if anything went wrong. However when it comes to charging for the extra policing that could be determined by an independent person as to how much should be ... how much the police could absorb and how much should be charged to a commercial event.

Deputy D.W. Mezbourian:

In our background research we have looked at festivals similar to Jersey Live that have taken place on the mainland where there have been similar numbers of attendees and in fact hundreds of thousands of attendees and we have taken account of the security provision that has been provided by the organisers and these are very professional organisations that carry out security at these festivals and we have looked at the ratio of the number of police that have been required to do the effective core policing responsibilities of prevention of ... protection of the person and detection of crime. To come back to my question about an appeal, if on the U.K. mainland for an equivalent event with absolute top security provided by the organisers there was, say, a necessity for a police requirement of 10 officers and we had a similar situation over here where there was going to be an equal number of attendees and the security arrangements provided by the organisers were going to be as stringent, and our police force said they needed 50 police in attendance, do you not think that an organiser may feel aggrieved if they make comparisons?

The Deputy of Grouville:

Yes, quite possibly and I do not know how much account of the security that the organisers bring over to the particular Jersey Live event. I have attended the Jersey Live event for the last 2 years and my personal experience is that security that is provided by the organisers is very, very professional and very good. I think the organisers feel somewhat aggrieved that it is their security that they bring over at their own cost. They do not know if the police take their security into account, because it goes back to what I was saying originally, I do not think it is very open and transparent what is taken into account. So there is a round the table discussion that is needed which needs to be between the organisers, between the police, but as far as the charging, I think there has to be an independent person because otherwise you are going to have ... I mean it is down to the police to say what they require and for you to appoint a chair. If we have 50 police officers in attendance and an event in the U.K. may have 10, the police may use the argument: "Well, we can always ring up the neighbouring police force and 40 come down the road in 20 minutes." We do not have that facility, obviously, as we are surrounded by water, so I think the policing needs to be determined by the Police Chief. He is responsible but the charging should not.

The Deputy of St. Mary:

Could I ask you, it leads me to exactly where I wanted to go next, do you have any views on who would be an appropriate independent person to sit in on that arrangement? Not necessarily a named person, but the status of the person, shall we say?

The Deputy of Grouville:

No. I would have to give that considerable thought.

The Deputy of St. Mary:

That is fair comment.

Deputy D.W. Mezbourian:

I wonder, Deputy, if I could just bring you to the *J.E.P. (Jersey Evening Post)* report of 14th September last year headed: “Deputy steps in to support music festival” because I am interested that you are quoted in there as saying that Jersey Live ticks many boxes that the States are trying to achieve as far as culture is concerned and I wonder if you could expand on that a little?

The Deputy of Grouville:

Well, I think it is a very lively event that after all this year attracted 10,000 people, not all Islanders, but some visitors. There are other more traditional events if you like that certainly do not attract that sort of number, so from a cultural point of view it is a good event, it is aimed at young people, so young people do not always feel that events put on in the Island are for them, so this gives them something. It is not only a young person’s event but it is a family event, many families go along, parents, children. I think culturally it is very, very good for the Island, culturally and in economic terms and tourism terms.

Deputy D.W. Mezbourian:

I do have a question to follow up on that, but just to go back to the appeals process that we have been discussing. My understanding is that it has been suggested that the person who would adjudicate on any appeal would be the Treasury and Resources Minister. What would be your comment to that?

The Deputy of St. Mary:

Do you think he might be the kind of person who should be involved in the initial costing arrangements, perhaps, as that person we were looking for? An independent person?

The Deputy of Grouville:

Possibly not, because he would be the person at the end of the day if Home Affairs require an increase in their budget, he would be the person saying no.

Deputy D.W. Mezbourian:

Just to go back to your comments on why Jersey Live ticks all the boxes in improving culture in the Island, if the user pays policy is taken to the House and approved,

whose responsibility do you think it should be to explain to the Jersey public the ethos behind the principle and the fact that as a consequence it is highly likely that the price of Jersey Live tickets may be heavily increased?

The Deputy of Grouville:

Well, if it is a Home Affairs proposition then it will have to be the Home Affairs Minister.

Deputy D.W. Mezbourian:

Thank you. Just to go back to the question of fees and the ... when you were speaking earlier about the appeals process, it has been mentioned to me that if a user pays policy is introduced in this respect that any funds received should go into general revenue rather than to the police or Home Affairs. Would you comment on that, please?

The Deputy of Grouville:

Yes, but you do not want it to end up as a general revenue stream to increase the States income when times are hard.

Deputy D.W. Mezbourian:

I think the argument put to me was the fact that as you have been saying today the ultimate person or the ultimate authority for deciding on whether extra policing should be brought into an event and a charge made lies with the Chief of Police. Now it was put to me that where corruption starts is when people or someone in that position makes a decision that perhaps they do not have enough resources to be spent somewhere else within their total budget and they see the policing of events as a way to generate more income for them.

The Deputy of Grouville:

Absolutely. That is why I pointed out that the user pays policy, whether it is in Home Affairs or other ministries will have to be scrutinised and will have to be carefully audited, if you like, because it has I suppose the potential for misuse.

Deputy D.W. Mezbourian:

Who would you suggest scrutinised or audited it?

The Deputy of Grouville:

You.

Deputy D.W. Mezbourian:

Somehow I thought you were going to say that. Thank you. I think I would like to get on to the proposed arrangements now and again to go back to if the Minister brings another proposition to the House and it is successful how would you see the Department for Education, Sport and Culture being involved in the administration of the user pays charge?

The Deputy of Grouville:

Well, we come at it from ... we want to encourage these sort of cultural events to happen. Culture is about people enjoying themselves, benefiting from music, bands, benefiting from playing, and we have an enormous amount of bands over here and their numbers are increasing. So from a cultural point of view we obviously want to encourage these sort of events, and we want to see them happening, so something like a user pays policy that deters people attending because of the price of the tickets, or worse deters the organisers bothering to organise the event because they feel they can do it cheaper in Guernsey, that is what we do not want to see happening. So we support these sorts of events happening in the Island.

Deputy D.W. Mezbourian:

Thank you. I wonder if I could bring Mr. Greenwood in there, because it is on a procedural issue. Can you tell us please what discussion has taken place about how this would be managed within your department, should the policy be introduced?

Mr. D. Greenwood:

I can tell you that my understanding is that should this policy be introduced that there would be involvement from E.S.C. (Education, Sport and Culture) in some of the decision making. At least we would be consulted on matters, but with regard to the administration of it I do not envisage that we would be involved at all, in the sense that we certainly would not be taking any money off any of the organisers or dealing

with any of that at all. I think that our involvement would be in the main to comment on what the E.S.C.'s view of the value of a particular event would be.

Deputy D.W. Mezbourian:

Is that the only way you would see yourselves as being involved in any consultation?

Mr. D. Greenwood:

In terms of the consultation I would hope that we were fully involved in the consultation, but in terms of the administration of the policy, in terms of collecting the money or anything else, it would not be our issue.

Deputy D.W. Mezbourian:

My understanding, having looked at the ... some background evidence is that the chief officers of E.S.C, the E.D.D. (Economic Development Department) and Home Affairs would be those people who would make the decision on whether ... together with the Chief of Police, would make the decision as to whether an event needed to be charged for additional policing. Has that filtered through to you at all?

Mr. D. Greenwood:

That was my understanding of the policy, yes.

Deputy D.W. Mezbourian:

Thank you. I think, Deputy, you have in your preamble, as Deputy Gallichan referred to it, and in your responses covered all of the questions that we had prepared for you.

The Deputy of St. Mary:

I have one more now.

Deputy D.W. Mezbourian:

Apart from the extra one that Deputy Gallichan has added.

The Deputy of St. Mary:

Thank you to the diligence of our officer here. Is it possible for you to quantify in any way how you could measure the cultural impact of any particular event? It is a very difficult question, I know.

The Deputy of Grouville:

It is a very difficult question. I suppose if people ... no. By attendance and by what people say. For example, we had in our ... in the cultural strategy we mentioned the surf scene, the surf culture. Well, even this weekend people have been going in the water, surfing. I presume they get enjoyment out of it and if they are not hanging around doing nothing with their days then ... and they are occupying themselves in some way, whether that be attending an event, a sports event, surfing, listening to music, then that is part of culture. It is a very, very difficult thing to measure. It is a very difficult thing to try and work out value for money for. But it does enhance a community, it enhances a person, their wellbeing. I do not know. It is so difficult to quantify.

Deputy D.W. Mezbourian:

Having said that, Deputy, can I ask you how you think culture would be affected should Jersey Live no longer take place because of the policing issues?

The Deputy of Grouville:

I think a lot of people, probably 10,000 people, would feel very, very disappointed. They would ... for the young people to feel that way, that their Island is not doing anything for them, there are no events to go to, it is not a good feeling. It would not be a good thing if Jersey Live pulled out or if they felt that they were unable to put the event on because the policing charges had inhibited them.

Deputy D.W. Mezbourian:

Okay. Thank you very much, Deputy. Thank you, Mr. Greenwood. I will call this hearing to a close now.